

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE**

<p>FUSION ELITE ALL STARS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02600-SHL-tmp <b>Jury Trial Demanded</b></p>
<p>AMERICAN SPIRIT AND CHEER ESSENTIALS, INC., <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02782-SHL-tmp <b>Jury Trial Demanded</b></p>
<p>JESSICA JONES, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC; <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02892-SHL-tmp <b>Jury Trial Demanded</b></p>

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT MOTION FOR  
PROTECTIVE ORDER REQUIRING COORDINATION AND LIMITING TIME FOR  
THIRD PARTY DEPOSITIONS**

Come now all Defendants in the above-referenced actions, by and through counsel, under Federal Rules of Civil Procedure 26 and 30 and Local Rule 7.2(c), and hereby file this motion for leave to file a reply brief in support of Defendants' Motion for Protective Order Requiring Coordination and Limiting Time for Third Party Depositions. Defendants filed their motion for a

protective order on March 25, 2022. *See Fusion Elite*, No. 20-cv-02600, ECF No. 221. Plaintiffs responded in opposition on April 1, 2022. *Id.* at ECF No. 228.

In their Response, Plaintiffs include a new argument that implies that they do not have to comply with the deposition limitations imposed by the Court's discovery Order in *Fusion Elite*. *See id.* at PageID 4278-80. Plaintiffs further imply, contrary to the record, that Defendants agreed to Marlene Cota's deposition lasting longer than a single day. *Id.* at PageID 4279. To make the record clear, these assertions warrant a response. For that reason, Defendants seek leave to file a short reply brief addressing these two points. A copy of the brief Defendants seek leave to file is attached as Exhibit 1.

Dated: April 4, 2022

Respectfully submitted,

s/ Matthew S. Mulqueen

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**CERTIFICATE OF CONSULTATION**

I hereby certify, pursuant to Fed. R. Civ. P. 26(c)(1) and Local Rule 7.2(a)(1)(B), that on April 3, 2022, I emailed counsel for Plaintiffs on behalf of all Defendants and advised Plaintiffs that Defendants intended to file a motion seeking the relief set out above, and that given the need for expedited resolution of this matter, Defendants intended to file by 10:00 a.m. CDT on April 4th. Ronnie Spiegel, counsel for the *Jones* Plaintiffs, responded on April 3rd via email that the *Jones* Plaintiffs opposed the motion. Victoria Sims, counsel for the *Fusion Elite* Plaintiffs, replied via email on April 4th that the *Fusion Elite* Plaintiffs opposed the motion. Defendants did not receive a response from counsel for the *American Spirit* Plaintiffs.

s/ Matthew S. Mulqueen